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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,319	02/16/2001	Jorg Kreiling	VO-520	7071

42419 7590 01/28/2005

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EXAMINER

PHAM, THOMAS K

ART UNIT PAPER NUMBER

2121

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/788,319

Applicant(s)

KREILING ET AL

Examiner

Thomas K Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 February 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/16/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**First Action on the Merits**

1. Claims 1-16 of U.S. Application 09/788,319 filed on 02/16/2001 are presented for examination.

**Quotations of U.S. Code Title 35**

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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## **Drawings**

6. The drawings are objected to because the labels should be in the English language in correlation with the application. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

## **Claim Rejections - 35 USC § 102**

7. Claims 1-6 and 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pub. No. 2003/0061335 (“Thomas”).

### **Regarding claim 1**

Thomas teaches in a switchgear cabinet monitoring and control arrangement with several switchgear cabinet monitoring and control devices connected to a network, and with at least one

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personal computer, which is in communication with the devices through the network, the improvement comprising:

- the at least one personal computer connected to the network by a web browser (page 2 paragraph 19);
- a server assigned to a group of the switchgear cabinet monitoring and control devices in which is arranged a management device containing information regarding the switchgear cabinet monitoring and control devices stored therein and including their respective identification (page 2 paragraph 17); and
- the information can be called up by the at least one personal computer (page 2 paragraphs 18 and 19).

**Regarding claim 2**

Thomas teaches a plurality of control commands are stored in the management device by which the switchgear cabinet monitoring and control devices can be selectively triggered as a function of at least one of interrogation data and status change data for at least one of performing control functions and monitoring functions received from the management device, wherein the interrogation data are transmitted by one of the personal computers, and status change data by at least one of the switchgear cabinet monitoring and control devices (page 2 paragraph 17).

**Regarding claims 3 and 10**

Thomas teaches from the personal computers at least one of configuration data, preset values and functional processes of monitoring or controlling for an operation of the switchgear cabinet monitoring and control devices can be input into at least one of the switchgear cabinet monitoring and control devices and the management device can be one of changed and canceled

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(page 3 paragraph 26).

**Regarding claims 4 and 11**

Thomas teaches the management device is configured from at least one of the server and the personal computers (fig. 1, server 16, personal computers 32 and 36).

**Regarding claims 5 and 12**

Thomas teaches the information stored in the management device includes operating data regarding the switchgear cabinet monitoring and control devices which can be called up by the personal computers and can be displayed on a screen of the personal computer in accordance with operating instructions of the web browser (page 3 paragraph 23).

**Regarding claims 6 and 13**

Thomas teaches at least some of status change data can be automatically input from at least one of the switchgear cabinet monitoring and control devices to the server and the server to the personal computers (page 2 paragraph 22).

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**Claim Rejections - 35 USC § 103**

8. Claims 7-9 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of U.S. Patent No. 5,768,148 ("Murphy").

**Regarding claims 7 and 14**

Thomas does not teach the at least one of the switchgear cabinet monitoring and control devices and the management device has an evaluation stage by which status changes automatically issued are selected in accordance with a decision criteria preset in one of a fixed and a variable manner. However, Murphy (same assignee) teaches the management device (DDE server of

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Thomas) has an evaluation stage for automatically changing the status in accordance with a decision criteria preset in one of the "Poll Once" registers (col. 14 lines 31-41) for the purpose of maintaining the server communication. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the DDE server status change of Murphy with the DDE server of Thomas because it would provide for the purpose of maintaining the server communication.

**Regarding claims 8 and 15**

Murphy teaches the status change data are called up from the management device upon an initiative in accordance with predetermined response data one of chronologically and on a basis of response data is sent by the switchgear cabinet monitoring and control devices (col. 14 lines 51-59).

**Regarding claims 9 and 16**

Thomas teaches groups of the switchgear cabinet monitoring and control devices are connected with the respectively associated server via an internal network (fig. 1 shows server 16 and devices 42, 44 and 46 connected via an internal network).

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

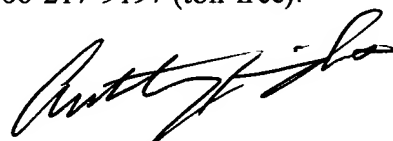
Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (703) 872- 9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Thomas Pham**  
*Patent Examiner*

TP

December 23, 2004

  
**Anthony Knight**  
**Supervisory Patent Examiner**  
**Group 3600**